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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,095	07/19/2001	Oscar Mora	38146	7389
29569	7590	09/20/2004	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031				GOLD, AVIM
ART UNIT		PAPER NUMBER		
		2157		

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/682,095	MORA, OSCAR
<b>Examiner</b>	<b>Art Unit</b>	
Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 June 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 18-27 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892) ✓
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

1. The amendment received on June 3, 2004 has been entered and fully considered.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 18 and 23 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not identify a packet identifier and type of packet identifier consisting of a plurality of bytes.

4. Claim 19 and 24 recites the limitation "said type of packet field". There is insufficient antecedent basis for this limitation in the claim and the claim it is dependent on.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 18 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Olkin, U.S. Patent No. 6,310,892.

Olkin teaches the invention as claimed including a field of protocols for a reliable connectionless protocol (see abstract).

Regarding claim 18, Olkin teaches a method for providing a reliable connectionless protocol to transfer short pieces of information, the method comprising the steps of:

Transferring of data using a data transfer process using a layers stack model with said layers stack model consisting of multiple layers with an intermediate transport layer with said intermediate transport layer comprising data comprised of a type of packet identifier and packet identifier where said packet identifier and said type of packet identifier consists of a plurality of bytes (see fig. 2; col. 1, lines 59-67, col. 2, lines 1-12, Olkin discloses a data transfer process using layers and the use of an intermediate transport layer; col. 5, lines 20-33, Olkin discloses a data field and source identification field for packets).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19, 20, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olkin further in view Engelke et al., U.S. Patent No. 6,504,910.

Olkin teaches the invention substantially as claimed including a field of protocols for a reliable connectionless protocol (see abstract).

As to claims 19 and 20, Olkin teaches the method of claim 18.

Olkin fails to teach the limitation further including the use of a single byte for type of packet field and packet ID.

However, Engelke teaches a voice and text transmission system (see abstract). Engelke teaches the use of a single byte indicating the type or format of data packet (col. 7, lines 47-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Olkin in view of Engelke to use a single byte for type of packet field and packet ID. One would be motivated to do so because it would take up less bandwidth, which would allow packets to be transferred faster.

9. Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olkin further in view of Skemer, U.S. Patent No. 6,567,406.

Olkin teaches the invention substantially as claimed including a field of protocols for a reliable connectionless protocol (see abstract).

As to claim 21, Olkin teaches the method of claim 18.

Olkin fails to teach the limitation further including the data having a fragment flag.

However, Skemer teaches providing a domain field label for use in domain switching applications (see abstract). Skemer teaches the use of a fragment flag (col. 7, lines 2-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Olkin in view of Skemer to use a fragment flag. One would be motivated to do so because a fragment flag can be used to avoid fragmentation or indicate the existence of fragmentation.

10. Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olkin in view of Koenck et al., U.S. Patent No. 6,014,705.

Olkin teaches the invention substantially as claimed including a field of protocols for a reliable connectionless protocol (see abstract).

As to claim 22, Olkin teaches the method of claim 18.

Olkin fails to teach the limitation further including the use of processing with an 8-bit microprocessor.

However, Koenck teaches a portable data processing terminal for use in a radio frequency communications network (see abstract). Koenck teaches the use of an 8-bit microprocessor (col. 18, lines 51-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Olkin in view of Koenck to use an 8-bit microprocessor for processing. One would be motivated to do so because the use of an 8-bit microprocessor consumes a low amount of power compared to other microprocessors.

Claims 23-27 do not teach or define any new limitations above claims 18-22 and therefore are rejected for similar reasons.

#### ***Response to Arguments***

11. Applicant's arguments filed June 3, 2004 have been fully considered but they are not persuasive. Applicant must discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

#### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,543,005 to Bamford.

U.S. Pat. No. 6,621,799 to Kemp et al.

U.S. Pat. No. 6,076,114 to Wesley.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157



SALEH NAJJAR  
PRIMARY EXAMINER

AMG